

VZCZCXYZ0000
PP RUEHWEB

DE RUEHDG #1938/01 1602033
ZNR UUUUU ZZH
P 092033Z JUN 06
FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 5091
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEHWN/AMEMBASSY BRIDGETOWN PRIORITY 1928
RUEHCV/AMEMBASSY CARACAS PRIORITY 0627
RUEHGE/AMEMBASSY GEORGETOWN PRIORITY 0871
RUEHKG/AMEMBASSY KINGSTON PRIORITY 2599
RUEHPO/AMEMBASSY PARAMARIBO PRIORITY 1013
RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 4272
RUEHSP/AMEMBASSY PORT OF SPAIN PRIORITY 1685
RHEHNSC/NSC WASHDC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUCPDOG/USDOC WASHDC PRIORITY 1532
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RUEAHLG/HQS DHS WASHDC PRIORITY
RUEHUB/USINT HAVANA PRIORITY 0120
RUMISTA/CDR USSOUTHCOM MIAMI FL PRIORITY

UNCLAS SANTO DOMINGO 001938

SIPDIS

SIPDIS

STATE FOR WHA, WHA/CAR, WHA/EPSC, INR/IAA; NSC FOR FISK AND
FEARS; USSOUTHCOM ALSO FOR POLAD; USDOC FOR
4322/ITA/MAC/WH/CARIBBEAN BASIN DIVISION; USDOC FOR
3134/ITA/USFCS/RD/WH; DHS FOR CIS-CARLOS ITURREGUI

E.O. 12958: N/A

TAGS: [PGOV](#) [DR](#) [KCOR](#)

SUBJECT: DOMINICAN ELECTIONS #14: POST-ELECTION REFORMS ON
AGENDA

REF: SANTO DOMINGO 1898 (NOTAL)

11. (U) This is the 14th cable in a series reporting on the
Dominican Republic's May 16 congressional and municipal
elections:

Post-Election Reforms on the Dominican Agenda

During the campaign President Fernandez asserted that the
PRD-PRSC opposition was using its "tyrannical majority" in
Congress for partisan advantage instead of national
interests. Now the electorate has handed his PLD its own
congressional majority. Dominicans will expect Fernandez to
use his enhanced power to pursue the national agenda that he
advocated in his campaign platform and further articulated
since 2004.

PLD Victory Confirmed

- - - - -

By June 8 the Central Elections Board (JCE) confirmed
virtually all the election results that had been
provisionally announced in late May, with only slight
modifications. The ruling PLD has its sweeping victory in
Congress and an unprecedented advance in municipalities. The
PLD won majorities in both houses of Congress and a large
plurality of municipal governments.

The election ended the opposition's legislative dominance and
for the first time gave the PLD a solid municipal base. The
Senate lineup will be 22 for the ruling PLD, 6 for the PRD,
and 4 for the PRSC, giving the government a two-thirds
majority necessary to pass constitutional amendments, on the
expectation that the PLD's traditional discipline holds. The
House of Representatives will have 96 PLD members, 60 from
the PRD, and 22 from the PRSC, giving President Fernandez the

relative majority to pass ordinary legislation. Of the 151 municipal governments, 67 will be led by PLD mayors, 52 by PRD mayors, 28 by the PRSC, and 4 by minor parties. The ruling PLD and its allies won 52 percent of approximately 3 million votes cast; the PRD-PRSC alliance altogether received about 45 percent and independent minor parties the rest.

Turnout of 56 percent of the 5.4 million registered voters set a record for mid-term elections.

Reforming institutions - - - - -

As soon as the shape of the victory was clear, political leaders, civil society spokespersons, and religious leaders were proposing reform agendas for the new Congress to convene August 16. President Fernandez called for a constitutional and institutional reform, based largely on the PLD's 2004 presidential campaign platform -- an A-to-Z document of more than 150 pages published on the Internet. The PLD political committee, chaired by Fernandez, set up two committees to advance reform proposals: one led by presidential chief of staff Danilo Medina to serve as liaison with both houses of Congress, and the other chaired by Interior Secretary Franklin Almeyda to interface with municipalities. Two newly elected PLD legislators told political officer May 25 that these committees demonstrated the president's seriousness in wanting to involve all of Dominican society. Medina promised publicly that the PLD would not use its enhanced power "to make vassals of its opponents."

Catholic University PUCMM rector Msgr. Agripino Nunez and

others cautioned against rushing to amend the constitution, an impulse that in the past was often driven by short-term partisan motives. Current Attorney General and senator-elect Francisco Dominguez Brito (PLD, Santiago) said any constitutional revision should be aimed at strengthening institutions such as the career judiciary, the National Judicial Council which chooses Supreme Court judges, the Comptroller General, and the Chamber of Accounts (analogous to the U.S. General Accounting Office). He advocated continuing his initiative of creating a career corps of prosecutors to assure more efficient administration of criminal justice.

Influential figures in the main opposition PRD are also mulling reforms. Meeting with political officer June 1, reelected Congressman Henry Sarraff (PRD, Independencia) said he believed Congress should convene a convention to rewrite the constitution. He thinks one goal would be to make the branches of government more independent. The judges of the Central Election Board (JCE) and the Chamber of Accounts and some members of the National Judicial Council could be elected by a two-thirds vote of a joint session of Congress. Sarraff thinks, rightly, that the current system of appointment by two-thirds of the Senate allows imposition of partisan judges by the dominant party. (The shoe is now on the other foot.) He thinks the JCE should be reduced from 9 judges to 5 to streamline its procedures, returning to the system of the mid-1990s. (The reform that stacked the JCE with 9 judges and altered responsibilities was a short-term tactic to overcome an ornery head judge.) The 1997 electoral law also needs revision, in his view.

Such changes will be resisted by many legislators who depend on the traditional spoils system to build support. More judicial independence would also reinforce the fight against corruption -- a trend that not all Dominican congressmen would welcome. For example, one re-elected representative is Radhames Ramos Garcia of La Vega, convicted by the Supreme Court of alien smuggling and fresh from nine months of jail time; another newly elected legislator is Miguel Vsquez, a corrupt former migration director general in the Mejia administration. Vasquez was convicted in March and sentenced to two years' imprisonment for having extorted USD 44,000 from two of the illegal immigrants trafficked by Ramos

Garcia, who at the time was serving as a consul in Haiti.

Former attorney general Virgilio Bello Rosa recommends curbing the president's discretion to use public resources for partisan purposes, participate personally in congressional and municipal campaigns, or simultaneously hold a post as party president -- all of which he accused President Fernandez of doing. Bello Rosa, like Sarraff, called for a constitutional convention to decide on these and other institutional changes. He also urged the PLD to go beyond legal changes to attack high living costs, corruption, and illiteracy,

President Fernandez outlined to the Ambassador his own views on reform, reported in reftel.

Fighting corruption and electrical blackouts

Many hope that Fernandez will use his strengthened mandate both administratively and legislatively to address the nation's problems. The opposition and civil society have been demanding that he act more vigorously against malfeasance in both the public and private sectors. His establishment of a National Ethics and Anti-Corruption

Commission in April 2005 appears to have been merely decorative. A long-delayed bill to modernize public procurement and contracting procedures tops a list of needed legislation that Congress has not yet acted on. Many are calling for action to solve the longstanding structural problems of the nation's electric power system. World Bank resident representative Christina Malmberg stressed in a May 31 speech that both corruption and the uncertain electricity system undermine the economy's competitiveness.

Implementing DR-CAFTA

The free-trade agenda is urgent, if the country is to continue attracting foreign investment. Dominican officials are just beginning to acknowledge the list of laws, administrative measures, and practices that must be revised for DR-CAFTA to go into effect. If talks with USTR drag out until past mid-August, as appears likely, the PLD's legislative majorities will give Fernandez the leverage to get the job done -- if he decides to resist special interests that still stand in the way. The bill to require open tenders for most government purchases and contracts, already approved by the Senate but pending in the lower house, will need revision to fulfill the relevant DR-CAFTA requirements. Also needed are measures to safeguard pharmaceutical patents, to modify protection for Dominican agents of U.S. enterprises, and to ensure number portability among telecommunications providers.

Investing in people

Fixing the nation's broken public education and health systems are longer-term, often-postponed tasks that would benefit most Dominicans and boost development. Dominican politicians of all parties regularly invoke this agenda. The PLD victory deprives the ruling party of a number of fiscal excuses for 2007 in this regard.

Reforming election procedures

Electoral law reform is on many voters' minds as the public waits for the JCE finish adjudicating challenges to the election results. On May 25 prominent NGO Foundation for Institutionalism and Justice (FINJUS) sponsored a roundtable that evaluated the 2006 electoral experience and proposals

for improvement. Those who spoke were unanimous in demanding more selective recruitment and better training of poll workers, so as to reduce delays due to poorly tabulated voting returns. More than half the tally sheets prepared manually by the poll workers at the more than 12,000 precincts had simple arithmetic and format errors that precluded entry of the results into the computer system until the sheets were corrected. Participants rejected electronic voting as a solution, apparently out of a belief that Dominican voters are not ready for such an innovation.

Participants reiterated the calls to change the selection process for electoral judges so as to ensure their impartiality, reduce their number, and either assign dispute resolution to a separate tribunal or allow appeal of such JCE decisions to the Supreme Court. Some advocated reducing costs by holding all elections in the same year, instead of holding congressional and municipal elections in the middle of the president's term. Several suggested an increasing

sophistication among Dominican voters and a trend to vote for individual candidates rather than for party lists. This might argue for separate ballots for Senate and House, as well as individual election of municipal authorities rather than using municipal party slates.

Cardinal Nicolas de Jesus Lopez Rodriguez and Papal Nuncio Timothy Broglio separately called for JCE judges to be fewer and non-partisan, and the Cardinal, in his typical absolutist style, proposed limiting election campaigns to 15 days to save resources for more urgent social priorities.

Restructuring political parties

Beyond the electoral concerns lies whether the law should address political party structures, to require more democratic internal procedures such as primaries for choosing candidates and party officials and to create a requirement for transparency in party and campaign financing. National Council of Private Enterprise president Elena Viyella commented that the problems with incompetent poll workers mirrored the internal weakness of the political parties. She advocated putting more substance into the campaigns, a point soon to be addressed on a website (www.conocer.com).

The hollow authority of political parties is illustrated by the opposition PRD-PRSC alliance, which promised to promote a "national project" and instructed its candidates to announce their proposals in the campaign. The vague talk of a project failed to galvanize voters. The PRD held no more than its historical share, with 31 percent of the national vote for Congress and 33 percent at municipal level. The third-ranked PRSC remained crushed. Its candidate scored 9 percent in 2004 and this year the PRSC got 11 percent of the vote for Congress and 13 percent for municipalities.

These parties will need a more convincing vision to recover their credibility. In 2004 the PRD lost because of the vote against Mejia and his financial crisis; this time it lost because of the clear vote in favor of Fernandez and the improvements he has delivered.

The PRD already has a hustling presidential candidate for 2008. Former public works secretary Miguel Vargas Maldonado published paid ads June 2 blaming "those who erratically led our party," implicitly calling for replacement of current PRD president Ramon Albuquerque and secretary general Orlando Jorge Mera. At a dinner for visiting former WHA assistant secretary Noriega on June 1, Vargas and senior PRD

SIPDIS

legislators waved the specter of loss of public confidence opening the way for a Dominican equivalent of Hugo Chavez (not a very likely scenario for the next few years). Vargas has organized working groups in the PRD around the country to promote his own presidential candidacy in 2008. Coming out

of a Mejia cabinet not too long ago, he will have a challenge in convincing party regulars and the people that he is more than just old PRD vintage politics in a new bottle.

12. (U) Drafted by Bainbridge Cowell.

13. (U) This piece and others in our series can be consulted at our SIPRNET web site (<http://www.state.sgov.gov/p/wha/santodomingo>) along with extensive other material.
KUBISKE